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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,887	12/27/2001	Todd Lagimonier	003636.0114	1873
7590	08/01/2008		EXAMINER	
MANELLI DENISON & SELTER PLLC ATTENTION: WILLIAM H. BOLLMAN 2000 M STREET, N.W. SUITE 700 WASHINGTON, DC 20016			HARRELL, ROBERT B	
ART UNIT	PAPER NUMBER		2142	
MAIL DATE	DELIVERY MODE			
08/01/2008	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Notice of Non-Compliant Amendment (37 CFR 1.121)</b>	Application No.	Applicant(s)
	10/026,887	LAGIMONIER ET AL.
	Examiner Robert B. Harrell	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 01 April 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Cancelled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: \_\_\_\_\_.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
   
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Robert B. Harrell/ Primary Examiner AU 2142

(571) 272-3895

Legal Instruments Examiner (LIE), if applicable

Telephone No.



Continuation of 5 Other:

5a) An election requirement, mailed 06 June 2007, was made by the Office to which the applicant responded, filed 06 July 2007, by electing claims 1-9, 19, and 20 (Group I) with traverse. However, the applicant's election with traverse failed to distinctly point out the supposed errors in the restriction requirement thus mandating a Notice Of Non-Compliant to be mailed 30 March 2008 to the applicant to which the applicant responded, filed 01 April 2008, by amending his election, still to claims 1-9, 19, and 20 (Group I), but now with neither an indication if the election is still traversed or not traversed. In order for an election to be complete, the applicant must not only elect a Group, but must clearly indicate if the election if made without traverse, or if traversed, to distinctly point out the supposed errors in the restriction requirement. Otherwise, the right to petition the election requirement is questionable. An election with traverse preserves the applicant's right to petition, an election without traverse waves the matter. No indication of traverse or without traverse leaves the matter unresolved.

5b) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Thursday from 5:30 am to 2:00 pm.

5c) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for all papers is (571) 273-8300.

5d) Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

/Robert B. Harrell/  
ROBERT B. HARRELL  
PRIMARY EXAMINER  
GROUP 2142 .